

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 13, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

PREPARED FOOD PHOTOS, INC.,

Plaintiff,

vs.

POOL WORLD, INC.,

Defendant.

No. 2:23-CV-0160-TOR

AMENDED ORDER SETTING
SETTLEMENT CONFERENCE

--- ACTION REQUIRED ---

Settlement Offer Due: 04/22/2024

Response to Offer Due: 04/24/2024

***In Camera* Letters Due: 05/01/2024**

Settlement Conference: 05/14/2024

The original order incorrectly set the date of the settlement conference. The erroneous May 15, 2024, settlement conference is **STRICKEN and RESET to May 14, 2024, at 9:00 a.m.**, before the undersigned, in Suite 740, 920 West Riverside Ave., United States Courthouse, Spokane, Washington. All other deadlines remain as set.

The purpose of the settlement conference is to permit an informal discussion among the attorneys, parties, non-party indemnitors or insurers, and this magistrate judge of every aspect of the lawsuit bearing on its settlement value.

I. MEDIATION FORMAT

Settlement conferences typically are scheduled for a full, uninterrupted business day. The court generally will use a mediation format: that is, a joint

1 introductory session followed by private caucusing by the court with each side. The
2 court expects both counsel and the party representatives to be fully prepared to
3 participate. The court encourages all parties to keep an open mind to reevaluate their
4 previous positions and to discover creative means for resolving the dispute.

5 Unless previously excused by the undersigned, for good cause, in addition to
6 counsel who will try the case and all named parties (including the person with full
7 settlement authority) must be physically present at this conference and ready to
8 proceed by 9:00 a.m. The person with full settlement authority must have the ability,
9 within his or her discretion, to permit payment in full of the request for relief under
10 the claims, counterclaims, and cross-claims, up to the limits of the opposing parties'
11 settlement demand that is produced as a result of this order as provided below.

12 The parties are responsible for timely advising any involved non-party
13 insurance company of the requirements of this Order. This magistrate judge may,
14 in his discretion, converse with the lawyers, the parties, the insurance
15 representatives, or any one of them separately, prior to and during the conference.

16 II. SUBMISSIONS

17 On or before **April 22, 2024**, Plaintiff shall serve upon Defendant, with an *in*
18 *camera* copy to the undersigned, a written offer of settlement, which includes
19 monetary and non-monetary components, if any, with supporting reasons, and with
20 an itemization of Plaintiff's damages, unless an itemization of damages previously
21 has been provided. On or before **April 24, 2024**, Defendant shall serve, with an *in*
22 *camera* copy to the undersigned, Defendant's counter-offer with supporting reasons
23 upon Plaintiff and provide an *in camera* copy to the undersigned court. Copies
24 shall be emailed to: GoekeOrders@waed.uscourts.gov

25
26 **Failure to comply with this requirement may result in cancellation or**
27 **rescheduling of the settlement conference.**

28 In preparation for the settlement conference, each party shall submit an *in*

1 *camera* letter, labeled confidential, to the undersigned on or before **May 1, 2024**.

2 Do not file copies of these letters on the court docket, and do not serve these letters
3 on the opposing party. The *in camera* letters shall set forth the following:

- 4 1) Name and title of the client who will be present throughout the
5 conference and will be authorized to enter into a settlement
6 agreement, and the names and titles of any other persons who
7 will accompany the party to the conference;
- 8 2) A brief analysis of key issues involved in the litigation;
- 9 3) A description of the strongest and weakest points in the party's
10 case, both legal and factual (the parties are invited to include as
11 letter attachments copies of key depositions);
- 12 4) A description of the strongest and weakest points in the
13 opponent's case, both legal and factual;
- 14 5) Itemization of damages, fees, and costs;
- 15 6) Status of any settlement negotiations, including the last
16 settlement proposal made by the party and opposing parties;
- 17 7) Settlement proposal the party believes to be fair; and
- 18 8) Settlement proposal the party is willing to accept to conclude the
19 matter and stop the expense of litigation.
20

21 *In camera* copies shall be emailed to: GoekeOrders@waed.uscourts.gov

22 **Failure to submit an *in camera* letter may result in cancellation or rescheduling**
23 **of the settlement conference.**

24 All communications made in connection with the settlement conference are
25 confidential and will not be disclosed. Any documents requested and submitted for
26 the settlement conference will be maintained in chambers and will be destroyed after
27 the conference. Neither the settlement conference statements nor any
28

1 communications occurring during the settlement conference can be used by any
2 party with regard to any aspect of the litigation or trial of this case.

3 **III. OTHER PROTOCOLS**

4 The court expects the parties to address each other with courtesy and respect.
5 Parties are encouraged to be frank and open in their discussions. As a result,
6 statements made by any party during the settlement conference are not to be used in
7 discovery and will not be admissible at trial.

8 The court further expects the parties to proceed in good faith, to anticipate a
9 settlement, and have available at the time of the conference a “settlement agreement”
10 in a form acceptable to them for signature by all parties when a settlement is reached.

11 **IT IS SO ORDERED.**

12 DATED March 13, 2024.




JAMES A. GOEKE
UNITED STATES MAGISTRATE JUDGE